

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

-----In the Matter of-----

PUBLIC UTILITIES COMMISSION

DOCKET NO. 2008-0274

Instituting a Proceeding To  
Investigate Implementing a  
Decoupling Mechanism for Hawaiian  
Electric Company, Inc., Hawaii  
Electric Light Company, Inc.,  
and Maui Electric Company,  
Limited.

ORDER APPROVING, WITH MODIFICATIONS,  
STIPULATED PROCEDURAL ORDER FILED ON DECEMBER 26, 2008

RECEIVED

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DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

PUBLIC UTILITIES  
COMMISSION

2009 JAN 21 P 3:17

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

-----In the Matter of-----	)	
	)	
PUBLIC UTILITIES COMMISSION	)	Docket No. 2008-0274
	)	
Instituting a Proceeding To	)	
Investigate Implementing a	)	
Decoupling Mechanism for Hawaiian)	)	
Electric Company, Inc., Hawaii	)	
Electric Light Company, Inc.,	)	
and Maui Electric Company,	)	
Limited.	)	
_____	)	

ORDER APPROVING, WITH MODIFICATIONS,  
STIPULATED PROCEDURAL ORDER FILED ON DECEMBER 26, 2008

By this Order, the commission approves, with modifications, the Stipulated Procedural Order filed by the parties<sup>1</sup> on December 26, 2008, which is attached hereto as Exhibit 1.

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<sup>1</sup>In the commission's order initiating this proceeding, filed on October 24, 2008, it named HAWAIIAN ELECTRIC COMPANY, INC. ("HECO"), HAWAII ELECTRIC LIGHT COMPANY, INC., MAUI ELECTRIC COMPANY, LIMITED (collectively, "HECO Companies"), and the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate" or "CA"), an ex officio party pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules § 6-61-62, as parties to the proceeding. By order issued on December 3, 2008, the commission, among other things, allowed intervention in this proceeding to: LIFE OF THE LAND, HAWAII RENEWABLE ENERGY ALLIANCE ("HREA"), HAIKU DESIGN AND ANALYSIS ("HDA"), HAWAII HOLDINGS, LLC, DOING BUSINESS AS FIRST WIND HAWAII, the STATE OF HAWAII, DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM ("DBEDT"), HAWAII SOLAR ENERGY ASSOCIATION, and BLUE PLANET FOUNDATION ("Blue Planet"). The originally named parties and the intervenors allowed herein are collectively referred to as the "Parties."

I.

Stipulated Procedural Order

On December 26, 2008, the Parties submitted a Stipulated Procedural Order, setting forth a proposed Statement of Issues, Schedule of Proceedings, and procedures to be utilized in this docket.<sup>2</sup> Upon review, the commission finds the provisions in the Stipulated Procedural Order to be reasonable, and subject to the modifications below, approves the Stipulated Procedural Order.

The commission modifies the Stipulated Regulatory Schedule attached as Exhibit A to the Stipulated Procedural Order, as follows: (1) a Prehearing Conference shall be added to the schedule during the week of June 22, 2009; (2) the dates for the Panel Hearing are modified from June 8-10, 2009 to the week of June 29, 2009; (3) Post-Hearing Opening Briefs shall be due four weeks after hearing transcripts are filed with the commission; and (4) Post-Hearing Reply Briefs shall be due three weeks after Post-Hearing Opening Briefs are filed.

Accordingly, the Stipulated Regulatory Schedule in the Stipulated Procedural Order shall be modified as follows:

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<sup>2</sup>On January 14, 2009, HECO provided the original signature pages to the Stipulated Procedural Order for HDA, DBEDT, Blue Planet, and HREA.

	Procedural Steps	Deadline
1	HECO and CA Submittal of Proposal(s) for Consideration by Parties	January 30, 2009
2	Parties' Informal Information Requests to be Addressed at Technical Workshop	February 13, 2008
3	Technical Workshop by HECO Companies and Consumer Advocate on Proposal(s)	February 27, 2009
4	Parties' Initial Statements of Position on HECO Companies and Consumer Advocate Proposal(s) and Parties' Submittal of Decoupling Proposals	March 30, 2008
5	Simultaneous Information Requests by the Parties (limited to 5 questions to each party with no subparts)	April 6, 2009
6	Simultaneous Responses to Information Requests	April 15, 2009
7	Technical Workshop by all Parties on all Decoupling Proposals; Settlement Discussions	April 20-21, 2009
8	Parties' Final Statements of Position	May 11, 2009
9	Prehearing Conference	Week of June 22, 2009
10	Panel Hearing	Week of June 29, 2009
11	Post-Hearing Opening Briefs	Four weeks after hearing transcripts are filed
12	Post-Hearing Reply Briefs	Three weeks after Post-Hearing Opening Briefs are filed

II.

Order

THE COMMISSION ORDERS:

The Parties' Stipulated Procedural Order, filed on December 26, 2008, is approved, subject to the modifications made herein.

DONE at Honolulu, Hawaii JAN 21 2009.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By Carlito P. Caliboso  
Carlito P. Caliboso, Chairman

By John E. Cole  
John E. Cole, Commissioner

By Leslie H. Kondo  
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

Kaiulani Kidani Shinsato  
Kaiulani Kidani Shinsato  
Commission Counsel

2008-0274.cp

FILED

2008 DEC 26 P 4:00

PUBLIC UTILITIES  
COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of )

PUBLIC UTILITIES COMMISSION )

Docket No. 2008-0274

Instituting a Proceeding to Investigate )  
Implementing a Decoupling Mechanism for )  
Hawaiian Electric Company, Inc., )  
Hawaii Electric Light Company, Inc., and )  
Maui Electric Company, Limited. )  
\_\_\_\_\_ )

STIPULATED PROCEDURAL ORDER

EXHIBIT A

AND

CERTIFICATE OF SERVICE

EXHIBIT 1

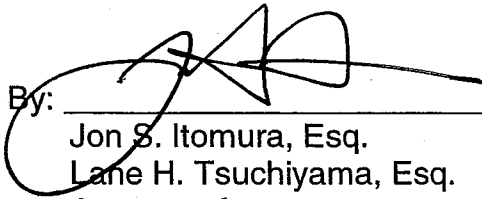
BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

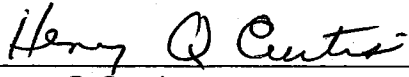
In the Matter of	)	
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PUBLIC UTILITIES COMMISSION	)	Docket No. 2008-0274
	)	
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Hawaiian Electric Company, Inc.,	)	
Hawaii Electric Light Company, Inc., and	)	
Maui Electric Company, Limited.	)	
_____	)	

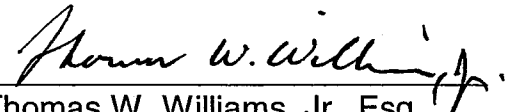
STIPULATED PROCEDURAL ORDER

Hawaiian Electric Company, Inc. ("HECO"), Hawaii Electric Light Company, Inc. ("HELCO"), and Maui Electric Company, Ltd. ("MECO"), the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs ("Consumer Advocate"), Life of the Land ("LOL"), Hawaii Renewable Energy Alliance ("HREA"), Haiku Design and Analysis ("HDA"), Hawaii Holdings, LLC, doing business as First Wind Hawaii ("First Wind"), the State of Hawaii, Department of Business, Economic Development, and Tourism ("DBEDT"), Hawaii Solar Energy Alliance ("HSEA"), and Blue Planet Foundation ("Blue Planet"), hereby stipulate that the attached Stipulated Procedural Order is mutually acceptable to each respective party.

Dated: Honolulu, Hawaii, December 26, 2008

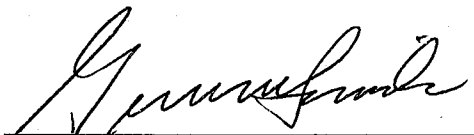
By:   
Jon S. Itomura, Esq.  
Lane H. Tsuchiyama, Esq.  
Attorneys for  
the Division of Consumer Advocacy

By:   
Henry Q. Curtis  
Vice President for Consumer Issues  
Life of the Land

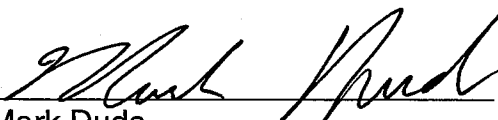
By:   
Thomas W. Williams, Jr., Esq.  
Peter Y. Kikuta, Esq.  
Damon Schmidt, Esq.  
Goodsill Anderson Quinn Stifel LLC  
Attorneys for  
Hawaiian Electric Company, Inc.  
Hawaii Electric Light Company, Inc.  
Maui Electric Company, Ltd.

By: \_\_\_\_\_  
Warren S. Bollmeier II  
President  
Hawaii Renewable Energy Alliance

By: \_\_\_\_\_  
Carl Freedman  
Haiku Design and Analysis

By:   
Gerald A. Sumida, Esq.  
Tim Lui-Kwan, Esq.  
Nathan S. Smith, Esq.  
Carlsmith Ball LLP  
Attorneys for Hawaii Holdings, LLC,  
dba First Wind Hawaii

By: \_\_\_\_\_  
Deborah Day Emerson, Esq.  
Gregg J. Kinkley, Esq.  
Attorneys for  
the Department of Business,  
Economic Development, and Tourism

By:   
Mark Duda  
President  
Hawaii Solar Energy Association

By: \_\_\_\_\_  
Douglas A. Codiga, Esq.  
Schlack Ito Lockwood Piper & Elkind  
Attorney for Blue Planet Foundation



Dated: Honolulu, Hawaii, \_\_\_\_\_

By: \_\_\_\_\_  
Jon S. Itomura  
Lane H. Tsuchiyama  
Attorneys for the Division of Consumer  
Advocacy

By: \_\_\_\_\_  
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Hawaii Electric Light Company, Inc.  
Maui Electric Company, Ltd.

By: \_\_\_\_\_  
Warren S. Bollmeier II  
President  
Hawaii Renewable Energy Alliance

By: CARL FREEDMAN  
Carl Freedman  
Haiku Design and Analysis

By: \_\_\_\_\_  
Gerald A. Sumida, Esq.  
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Economic Development, and Tourism

By: \_\_\_\_\_  
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President  
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By: \_\_\_\_\_  
Douglas A. Codiga, Esq.  
Schlack Ito Lockwood Piper & Elkind  
Attorney for Blue Planet Foundation

Dated: Honolulu, Hawaii, \_\_\_\_\_.

By: \_\_\_\_\_  
Jon S. Itomura, Esq.  
Lane H. Tsuchiyama, Esq.  
Attorneys for  
the Division of Consumer Advocacy

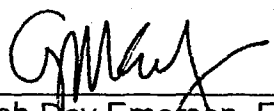
By: \_\_\_\_\_  
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Life of the Land

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Thomas W. Williams, Jr., Esq.  
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Damon Schmidt, Esq.  
Goodsill Anderson Quinn Stifel LLC  
Attorneys for  
Hawaiian Electric Company, Inc.  
Hawaii Electric Light Company, Inc.  
Maui Electric Company, Ltd.

By: \_\_\_\_\_  
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President  
Hawaii Renewable Energy Alliance

By: \_\_\_\_\_  
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Haiku Design and Analysis

By: \_\_\_\_\_  
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Attorneys for  
the Department of Business,  
Economic Development, and Tourism

By: \_\_\_\_\_  
Mark Duda  
President  
Hawaii Solar Energy Association

By: \_\_\_\_\_  
Douglas A. Codiga, Esq.  
Schlack Ito Lockwood Piper & Elkind  
Attorney for Blue Planet Foundation

Dated: Honolulu, Hawaii, \_\_\_\_\_.

By: \_\_\_\_\_  
Jon S. Itomura, Esq.  
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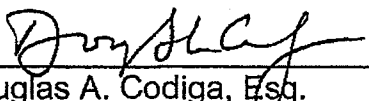
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AND

CERTIFICATE OF SERVICE

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In the Matter of	)	
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Hawaiian Electric Company, Inc.,	)	
Hawaii Electric Light Company, Inc., and	)	
Maui Electric Company, Limited.	)	
_____	)	

**STIPULATED PROCEDURAL ORDER**

On October 24, 2008, the Hawaii Public Utilities Commission ("Commission") issued an *Order Initiating Investigation* ("Order") in Docket No. 2008-0274, to investigate implementing a decoupling mechanism for HAWAIIAN ELECTRIC COMPANY, INC. ("HECO"), HAWAII ELECTRIC LIGHT COMPANY, INC. ("HELCO"), and MAUI ELECTRIC COMPANY, LIMITED ("MECO"), collectively referred to herein as the "HECO Companies". The Commission's Order named the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs ("Consumer Advocate")<sup>1</sup> and the HECO Companies as named parties in this proceeding.

By Order Granting Intervention filed December 3, 2008, the Commission granted the motions to intervene of Life of the Land ("LOL"), Hawaii Renewable Energy Alliance

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<sup>1</sup> The Consumer Advocate is statutorily mandated to represent, protect, and advance the interests of all consumers of utility service and is an *ex officio* party to any proceeding before the Commission. See HRS §269-51; HAR § 6-61-62.

("HREA"), Haiku Design and Analysis ("HDA"), Hawaii Holdings, LLC, doing business at First Wind Hawaii ("First Wind"), the State of Hawaii, Department of Business, Economic Development, and Tourism ("DBEDT"), Hawaii Solar Energy Alliance ("HSEA"), and Blue Planet Foundation ("Blue Planet"). The HECO Companies, Consumer Advocate, LOL, HREA, HDA, First Wind, DBEDT, HSEA, and Blue Planet are collectively herein referred to as "Parties."

The Commission required that the Parties shall file a stipulated procedural schedule to govern the matters of this investigation for Commission review and approval by December 22, 2008. The HECO Companies, with the concurrence of the other Parties, filed a Request for Extension of Time to File a Stipulated (or Proposed) Procedural Order on December 22, 2008, requesting the extension of time to December 26, 2008 to allow some time for the Parties to discuss proposed changes made by HDA and DBEDT. The Parties agree that the following provisions of this Stipulated Procedural Order are mutually acceptable to each. Accordingly, it is ordered that the following Statement of Issues, Schedule of Proceedings, and procedures shall be utilized in this docket.

#### I. STATEMENT OF THE ISSUES

The issues in this docket, which shall be liberally construed within context, are:

1. Whether the joint proposal or any separate proposals that are submitted by the HECO Companies, the Consumer Advocate or other parties are just and reasonable?

2. Whether the decoupling mechanism(s) will result in accelerating the addition of new, clean energy resources in the HECO Companies' systems, while giving the HECO Companies an opportunity to achieve fair rates of return?
3. What should be the scope of and elements to be included in the decoupling mechanism?
4. How will decoupling impact the utilities, their customers, and the clean energy market?
5. Which issues and details regarding the implementation of the decoupling mechanism(s), including the determination of any revenue target, should be taken up in the context of individual rate case proceedings of HECO, HELCO and MECO?
6. Whether any cost tracking indices proposed for use in estimating revenue adjustment calculations can be expected to determine just and reasonable revenue adjustments on an on-going basis, accounting for the differences between the revenue requirement amounts determined in each utility's last rate case and:
  - (a) The current cost of operating the utility;
  - (b) Return on and return of ongoing capital investment; and
  - (c) Any changes in State or federal tax rates.
7. Whether any earnings monitoring/sharing, service quality provisions, or any other adjustments or considerations are appropriate to implement as part of the decoupling methodology in order to calculate ongoing revenue adjustments that are just and reasonable?

8. Whether any provisions for administrative procedures (e.g., utility filings, decoupling tariffs, deferral accounting provisions, customer notice provisions, planned review/audit procedures and any appeal or hearing provisions) are appropriate, necessary and sufficient to ensure that post test year decoupling adjustments are fair and reasonable?
9. How many years should the decoupling/attrition revenue mechanism remain in place for each of the utilities before the next rate cases are to be filed and under what conditions can the utility, the Commission or other parties initiate formal rate proceedings outside of such rate case intervals?
10. What accounting and regulatory reporting provisions are necessary to implement any decoupling provisions in a manner that will ensure reasonable definition, isolation and recovery of the types of costs that are to be separately tracked and charged to customers through other cost recovery mechanisms, such as: Renewable Energy Infrastructure Program/Clean Energy Initiative, Energy Cost Adjustment Clause, Purchased Power, Demand Side Management, and other surcharge mechanisms?
11. Issues identified in the Commission's scoping paper in this docket.

## II. SCHEDULE OF PROCEEDINGS

The Parties shall adhere to the schedule of proceedings set forth in the Stipulated Regulatory Schedule hereto attached as Exhibit A. Notwithstanding the above, the Parties shall have the right to amend the Stipulated Regulatory Schedule as may be agreed in writing and approved by the Commission from time to time.



III. MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE  
THE ORDERLY CONDUCT OF THESE PROCEEDINGS

A. Copies of Documents and Statements of Position

Public Utilities Commission  
465 South King Street, First Floor  
Honolulu, Hawaii 96813

Original + 8 Copies

Catherine P. Awakuni  
Executive Director  
Division of Consumer Advocacy  
335 Merchant Street, Room 326  
Honolulu, Hawaii 96813

2 Copies

Dean K. Matsuura  
Manager, Regulatory Affairs  
Hawaiian Electric Company, Inc.  
Hawaii Electric Light Company, Inc.  
Maui Electric Company, Ltd.  
P. O. Box 2750  
Honolulu, Hawaii 96840-0001

1 Copy

Jay Ignacio  
President  
Hawaii Electric Light Company, Inc.  
P. O. Box 1027  
Hilo, Hawaii 96721-1027

1 Copy

Edward L. Reinhardt  
President  
Maui Electric Company, Limited  
P. O. Box 398  
Kahului, Hawaii 96733-6898

1 Copy

Thomas W. Williams, Jr., Esq.  
Peter Y. Kikuta, Esq.  
Damon Schmidt, Esq.  
Goodsill Anderson Quinn Stifel LLC  
1099 Alakea Street, Suite 1800  
Honolulu, Hawaii 96813

1 Copy

Attorneys for Hawaiian Electric Company, Inc.,  
Hawaii Electric Light Company, Inc.  
Maui Electric Company, Ltd.

Randall J. Hee, P.E. 1 Copy  
President and CEO  
Kauai Island Utility Cooperative  
4463 Pahe'e Street, Suite 1  
Lihue, Hawaii 96766-2000

Timothy Blume 1 Copy  
Michael Yamane  
Kauai Island Utility Cooperative  
4463 Pahe'e Street, Suite 1  
Lihue, Hawaii 96766-2000

Kent T. Morihara, Esq. 1 Copy  
Kris N. Nakagawa, Esq.  
Rhonda L. Ching, Esq.  
Morihara Lau & Fong LLP  
841 Bishop Street, Suite 400  
Honolulu, Hawaii 96813

Attorneys for Kauai Island Utility Cooperative

Henry Q Curtis 1 Copy  
Vice President for Consumer Issues  
Kat Brady  
Vice President for Social Justice  
Life of the Land  
76 North King Street, Suite 203  
Honolulu, Hawaii 96817

Warren S. Bollmeier II 1 Copy  
President  
Hawaii Renewable Energy Alliance  
46-040 Konane Place 3816  
Kaneohe, Hawaii 96744

Carl Freedman 1 Copy  
Haiku Design & Analysis  
4234 Hana Highway  
Haiku, Hawaii 96708

Gerald A. Sumida, Esq.  
Tim Lui-Kwan, Esq.  
Nathan C. Smith, Esq.  
Carlsmith Ball LLP  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawaii 96813

1 Copy

Attorneys for Hawaii Holdings, LLC,  
dba First Wind Hawaii

Mike Gresham  
Hawaii Holdings, LLC, dba First Wind Hawaii  
33 Lono Avenue, Suite 380  
Kahului, Hawaii 96732

1 Copy

Deborah Day Emerson, Esq.  
Gregg J. Kinkley, Esq.  
Deputy Attorney General  
Department of the Attorney General  
State of Hawaii  
425 Queen Street  
Honolulu, Hawaii 96813

1 Copy

Attorneys for the Department of Business,  
Economic Development, and Tourism

Mark Duda  
President  
Hawaii Solar Energy Association  
P. O. Box 37070  
Honolulu, Hawaii 96837

1 Copy

Douglas A. Codiga, Esq.  
Schlack Ito Lockwood Piper & Elkind  
Topa Financial Center  
745 Fort Street Mall, Suite 1500  
Honolulu, Hawaii 96813

1 Copy

Attorney for Blue Planet Foundation

B. Filings

All documents required to be filed with the Commission shall comply with the formatting requirements prescribed pursuant to Chapter 61, Subchapter 2, Section 6-61-16 of the Commission's Rules of Practice and Procedure and shall be filed at the office of the Commission in Honolulu within the time limit prescribed pursuant to Chapter 61, Subchapter 2, Section 6-61-15 of the Commission's Rules of Practice and Procedure.

Copies of all documents should be sent to the Parties by hand delivery or United States mail (first class, postage prepaid). The Parties stipulate and agree that service of documents between Parties, other than documents designated as confidential pursuant to any protective order adopted in this proceeding, shall be served electronically via e-mail in a portable document format ("pdf") by 5:00 p.m. on the day due. The Parties agree to use Word 97, Word 2000, Word 2002, Word 2003, or later editions of Word readable by these versions as the standard programming format for filings in this case. The Parties also agree to submit any spreadsheets (e.g., used as workpapers or exhibits) in Microsoft Excel format. However, if workpapers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a Party shall not be required to convert such workpapers, documentation, or exhibits into an electronic format. Also, existing documents produced in response to requests need not be converted to Word 97, Word 2000, Word 2003 as long as the applicable format is identified.

C. Communications

Chapter 61, Subchapter 3, Section 6-61-29 of the Commission's Rules of Practice and Procedure concerning *ex parte* communications is applicable to any communications between a Party and the Commission. However, the Parties may communicate with Commission counsel on matters of practice and procedure through their own counsel or designated official.

Communications between the Parties should either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on the opposing Party. All motions, supporting memoranda, and the like shall also be served on opposing counsel.

D. General

These procedures are consistent with the orderly conduct of this docket. This Stipulated Procedural Order shall control the subsequent course of these proceedings, unless modified by the Parties in writing and approved by the Commission, or upon the Commission's own motion.

This Stipulated Procedural Order may be executed by the Parties in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The Parties may execute this Stipulation for Protective Order by facsimile for initial submission to the Commission, to be followed by the filing of originals of said facsimile pages.

APPROVED AND SO ORDERED THIS \_\_\_\_\_,

at Honolulu, Hawaii.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By \_\_\_\_\_  
Carlito P. Caliboso, Chairman

By \_\_\_\_\_  
John E. Cole, Commissioner

By \_\_\_\_\_  
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

\_\_\_\_\_  
Kaiulani Kidani Shinsato  
Commission Counsel

## EXHIBIT A

### Stipulated Regulatory Schedule Docket No. 2008-0274

	Procedural Steps	Deadline
1	HECO and CA Submittal of Proposal(s) for Consideration by Parties	January 30, 2009
2	Parties' Informal Information Requests to be Addressed at Technical Workshop	February 13, 2008
3	Technical Workshop by HECO Companies and Consumer Advocate on Proposal(s)	February 27, 2009
4	Parties' Initial Statements of Position on HECO Companies and Consumer Advocate Proposal(s) and Parties' Submittal of Decoupling Proposals	March 30, 2009
5	Simultaneous Information Requests by the Parties (limited to 5 questions to each party with no subparts)	April 6, 2009
6	Simultaneous Response to Information Requests	April 15, 2009
7	Technical Workshop by All Parties on All Decoupling Proposals; Settlement Discussions	April 20-21, 2009
8	Parties' Final Statements of Position	May 11, 2009
9	Panel Hearing	June 8-10, 2009
10	Parties' Briefs	3 Weeks After Receipt of Transcripts

CERTIFICATE OF SERVICE

The foregoing Stipulated Procedural Order was served on the date of filing by  
mail, postage prepaid and properly addressed to the following:

CATHERINE P. AWAKUNI  
Executive Director  
Division of Consumer Advocacy  
Department of Commerce and Consumer Affairs  
335 Merchant Street, Room 326  
Honolulu, Hawaii 96813

DARCY L. ENDO-OMOTO  
Vice President, Government & Community Affairs  
Hawaiian Electric Company, Inc.  
P. O. Box 2750  
Honolulu, Hawaii 96840-0001

DEAN K. MATSUURA  
Manager, Regulatory Affairs  
Hawaiian Electric Company, Inc.  
P. O. Box 2750  
Honolulu, Hawaii 96840-0001

JAY IGNACIO  
President  
Hawaii Electric Light Company, Inc.  
P. O. Box 1027  
Hilo, Hawaii 96721-1027

EDWARD L. REINHARDT  
President  
Maui Electric Company, Ltd.  
P. O. Box 398  
Kahului, Hawaii 96732



THOMAS W. WILLIAMS, JR., ESQ.  
PETER Y. KIKUTA, ESQ.  
DAMON SCHMIDT, ESQ.  
Goodsill Anderson Quinn & Stifel  
1800 Alii Place  
1099 Alakea Street  
Honolulu, Hawaii 96813  
Attorneys for Hawaiian Electric Company, Inc.,  
Hawaii Electric Light Company, Inc.,  
and Maui Electric Company, Limited

RANDALL J. HEE, P.E.  
President and CEO  
Kauai Island Utility Cooperative  
4463 Pahe'e Street, Suite 1  
Lihue, Hawaii 96766-2000

TIMOTHY BLUME  
MICHAEL YAMANE  
Kauai Island Utility Cooperative  
4463 Pahe'e Street, Suite 1  
Lihue, Hawaii 96766-2000

KENT T. MORIHARA, ESQ.  
KRIS N. NAKAGAWA, ESQ.  
RHONDA L. CHING, ESQ.  
Mori-hara Lau & Fong LLP  
841 Bishop Street, Suite 400  
Honolulu, Hawaii 96813

Attorneys for Kauai Island Utility Cooperative

HENRY Q CURTIS  
Vice President for Consumer Issues  
KAT BRADY  
Vice President for Social Justice  
Life of the Land  
76 North King Street, Suite 203  
Honolulu, Hawaii 96817

WARREN S. BOLLMEIER II  
President  
Hawaii Renewable Energy Alliance  
46-040 Konane Place 3816  
Kaneohe, Hawaii 96744

CARL FREEDMAN  
Haiku Design & Analysis  
4234 Hana Highway  
Haiku, Hawaii 96708

GERALD A. SUMIDA, ESQ.  
TIM LUI-KWAN, ESQ.  
NATHAN C. SMITH, ESQ.  
Carlsmith Ball LLP  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawaii 96813

Attorneys for Hawaii Holdings, LLC,  
dba First Wind Hawaii

MIKE GRESHAM  
Hawaii Holdings, LLC, dba First Wind Hawaii  
33 Lono Avenue, Suite 380  
Kahului, Hawaii 96732

DEBORAH DAY EMERSON, ESQ.  
GREGG J. KINKLEY, ESQ.  
Deputy Attorney General  
Department of the Attorney General  
State of Hawaii  
425 Queen Street  
Honolulu, Hawaii 96813

Attorneys for the Department of Business,  
Economic Development, and Tourism

MARK DUDA  
President  
Hawaii Solar Energy Association  
P. O. Box 37070  
Honolulu, Hawaii 96837

DOUGLAS A. CODIGA, ESQ.  
Schlack Ito Lockwood Piper & Elkind  
Topa Financial Center  
745 Fort Street Mall, Suite 1500  
Honolulu, Hawaii 96813

Attorney for Blue Planet Foundation

CERTIFICATE OF SERVICE

The foregoing order was served on the date of filing by mail, postage prepaid, and properly addressed to the following parties:

CATHERINE P. AWAKUNI  
EXECUTIVE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

DARCY L. ENDO-OMOTO  
VICE PRESIDENT  
GOVERNMENT & COMMUNITY AFFAIRS  
HAWAIIAN ELECTRIC COMPANY, INC.  
P.O. Box 2750  
Honolulu, HI 96840-0001

DEAN MATSUURA  
MANAGER, REGULATORY AFFAIRS  
HAWAIIAN ELECTRIC COMPANY, INC.  
P.O. Box 2750  
Honolulu, HI 96840-0001

JAY IGNACIO  
PRESIDENT  
HAWAII ELECTRIC LIGHT COMPANY, INC.  
P.O. Box 1027  
Hilo, HI 96721-1027

EDWARD L. REINHARDT  
PRESIDENT  
MAUI ELECTRIC COMPANY, LIMITED  
P.O. Box 398  
Kahului, HI 96733-6898

Certificate of Service  
Page 2

THOMAS W. WILLIAMS, JR., ESQ.  
PETER Y. KIKUTA, ESQ.  
GOODSILL ANDERSON QUINN & STIFEL LLLC  
1099 Alakea Street, Suite 1800  
Honolulu, HI 96813

Attorneys for HAWAIIAN ELECTRIC COMPANY, INC.,  
HAWAII ELECTRIC LIGHT COMPANY, INC.,  
and MAUI ELECTRIC COMPANY, LIMITED

RANDALL J. HEE, P.E.  
PRESIDENT AND CEO  
KAUAI ISLAND UTILITY COOPERATIVE  
4463 Pahe'e Street, Suite 1  
Lihue, HI 96766-2000

TIMOTHY BLUME  
MICHAEL YAMANE  
KAUAI ISLAND UTILITY COOPERATIVE  
4463 Pahe'e Street, Suite 1  
Lihue, HI 96766-2000

KENT D. MORIHARA, ESQ.  
KRIS N. NAKAGAWA, ESQ.  
RHONDA L. CHING, ESQ.  
MORIHARA LAU & FONG LLP  
841 Bishop Street, Suite 400  
Honolulu, HI 96813

Attorneys for KAUAI ISLAND UTILITY COOPERATIVE

HENRY Q CURTIS  
VICE PRESIDENT FOR CONSUMER ISSUES  
KAT BRADY  
VICE PRESIDENT FOR SOCIAL JUSTICE  
LIFE OF THE LAND  
76 North King Street, Suite 203  
Honolulu, HI 96817

WARREN S. BOLLMEIER II  
PRESIDENT  
HAWAII RENEWABLE ENERGY ALLIANCE  
46-040 Konane Place 3816  
Kaneohe, HI 96744

Certificate of Service

Page 3

CARL FREEDMAN  
HAIKU DESIGN & ANALYSIS  
4234 Hana Hwy.  
Haiku, HI 96708

GERALD A. SUMIDA, ESQ.  
TIM LUI-KWAN, ESQ.  
NATHAN C. SMITH, ESQ.  
CARLSMITH BALL LLP  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, HI 96813

Attorneys for HAWAII HOLDINGS, LLC, dba FIRST WIND HAWAII

MIKE GRESHAM  
HAWAII HOLDINGS, LLC, dba FIRST WIND HAWAII  
33 Lono Avenue, Suite 380  
Kahului, HI 96732

DEBORAH DAY EMERSON, ESQ.  
GREGG J. KINKLEY  
DEPUTY ATTORNEYS GENERAL  
DEPARTMENT OF THE ATTORNEY GENERAL STATE OF HAWAII  
425 Queen Street  
Honolulu, HI 96813

Attorneys for the DEPARTMENT OF BUSINESS, ECONOMIC  
DEVELOPMENT, AND TOURISM

THEODORE PECK  
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM  
State Office Tower  
235 South Beretania Street, Room 501  
Honolulu, HI 96813

ESTRELLA SEESE  
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM  
State Office Tower  
235 South Beretania Street, Room 501  
Honolulu, HI 96813

Certificate of Service

Page 4

MARK DUDA  
PRESIDENT  
HAWAII SOLAR ENERGY ASSOCIATION  
P.O. Box 37070  
Honolulu, HI 96837

SCHLACK ITO LOCKWOOD PIPER & ELKIND  
DOUGLAS A. CODIGA, ESQ.  
Topa Financial Center  
745 Fort Street, Suite 1500  
Honolulu, HI 96813

Attorney for BLUE PLANET FOUNDATION